

MINUTE ITEM

3/31/75
SCL

28. DISCLAIMERS OF INTEREST IN CONNECTION WITH UNITED STATES V. 429.09 ACRES OF LAND, MORE OR LESS, ETC., ET AL., UNITED STATES DISTRICT COURT, EASTERN DISTRICT OF CALIFORNIA, CIVIL NO. F-729; KINGS COUNTY - W 503.729.

After consideration of Calendar Item 26 attached, and upon motion duly made and carried, the following resolution was adopted:

1. THE COMMISSION AUTHORIZES THE OFFICE OF THE ATTORNEY GENERAL TO FILE A DISCLAIMER OF INTEREST ON BEHALF OF THE STATE LANDS COMMISSION IN THE CASE OF UNITED STATES V. 429.09 ACRES OF LAND, MORE OR LESS, ETC., ET AL., UNITED STATES DISTRICT COURT, EASTERN DISTRICT OF CALIFORNIA, CIVIL NO. F-729.
2. THE COMMISSION RATIFIES THE ATTORNEY GENERAL'S ACTION IN FILING A DISCLAIMER OF INTEREST AS TO PARCEL NO. 1 ON BEHALF OF THE STATE LANDS COMMISSION IN THE CASE OF UNITED STATES V. 429.09 ACRES OF LAND, MORE OR LESS, ETC., ET AL., CIVIL NO. F-729 FILED IN U. S. DISTRICT COURT, EASTERN DISTRICT OF CALIFORNIA, IN ORDER TO FACILITATE LITIGATION.

Attachment:

Calendar Item 26 (1 page)

CALENDAR ITEM

3/75

SC1

26.

W 503.729

AUTHORIZATION TO FILE DISCLAIMER IN
UNITED STATES V. 429.09 ACRES OF LAND,
MORE OR LESS, ETC., ET AL.,
UNITED STATES DISTRICT COURT,
EASTERN DISTRICT OF CALIFORNIA, CIVIL NO. F-729

The State Lands Commission is a party to a United States condemnation action brought by the United States Attorney entitled United States v. 429.09 Acres of Land, More or Less, etc., et al., filed in the United States District Court, Eastern District of California, Civil No. F-729, involving land in Kings County.

Upon examination of the Commission's records pertinent to the area, it was ascertained that there is no interest held by the State Lands Commission as to Parcel Nos. 2, 3, 4, 5, 6, 7, 10, 11, 12, 13, 14, 15, 16, 17, 18, 20, 22 and E-23 listed in this condemnation action. The subject parcels are located within Sections 26, 27, 34, 35, T 19 S, R 19 E, MDM.

Inasmuch as this suit involves certain land over which the Commission has no jurisdiction, it is recommended that a disclaimer be filed on behalf of the State Lands Commission, disclaiming any compensable right, title, or interest in Parcel Nos. 2, 3, 4, 5, 6, 7, 10, 11, 12, 13, 14, 15, 16, 17, 18, 20, 22 and E-23.

The United States filed a Motion for Summary Judgment as to Parcel No. 1 and such motion was heard on March 10, 1975. In order to prevent a default judgment being taken against the State Lands Commission, the Office of the Attorney General filed a disclaimer in the above case. Parcel No. 1 is located in Section 27, T 19 S, R 19 E, MDM.

EXHIBIT: A. Location Map.

IT IS RECOMMENDED THAT:

1. THE COMMISSION AUTHORIZE THE OFFICE OF THE ATTORNEY GENERAL TO FILE A DISCLAIMER OF INTEREST ON BEHALF OF THE STATE LANDS COMMISSION IN THE CASE OF UNITED STATES V. 429.09 ACRES OF LAND, MORE OR LESS, ETC., ET AL., UNITED STATES DISTRICT COURT, EASTERN DISTRICT OF CALIFORNIA, CIVIL NO. F-729.
2. THE COMMISSION RATIFY THE ATTORNEY GENERAL'S ACTION IN FILING A DISCLAIMER OF INTEREST AS TO PARCEL NO. 1 ON BEHALF OF THE STATE LANDS COMMISSION IN THE CASE OF UNITED STATES V. 429.09 ACRES OF LAND, MORE OR LESS, ETC., ET AL., CIVIL NO. F-729 FILED IN U.S. DISTRICT COURT, EASTERN DISTRICT OF CALIFORNIA, IN ORDER TO FACILITATE LITIGATION.